

APPENDIX 18A
SUMMARY OF RULES OF CONDUCT
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APPENDIX A

INTRODUCTION

All technicians, supervisors and management officials have the responsibility of conducting themselves at all times in a manner that reflects favorably upon the Federal Government. We are expected to maintain high standards, not only in our official actions, but in our personal activities as well. We are constantly being observed and evaluated because we wear the military uniform and are Federal Government representatives.

As representatives of the Federal Government, we have an obligation, in and out-of-uniform, to the people we serve and represent.

It is not the intent of this regulation to list every restriction or requirement imposed by statute, regulation or other proper authority. The omission or reference to any particular restriction in no way alters the fact that technicians will be held accountable for their conduct if such conduct is in violation of any statute, regulation, or other proper authority to which a technician is subject. Violation of any prohibited Standard of Conduct may be the basis for disciplinary actions.

SECTION 1 - GENERAL

1. Reference

- a. DOD Directive 5500.7
- b. TPR 700 (735)
- c. Title 18 U.S.C., Sections 202 through 209

2. Purpose

This directive prescribes the Standards of Conduct required for Alabama National Guard Technicians in the discharge of their assigned duties and during off duty hours. It is not the intent of this directive to list every restriction or requirement imposed by statute, regulation or other proper authority.

3. Responsibilities

a. HRO. Required to furnish a copy of TPR 735 to every new technician upon initial employment. The HRO will print a reminder to technicians at least annually to remind them of the Standards of Conduct.

b. Technicians. All technicians are required to become familiar with the requirements of this directive and maintain a high standard of honesty and integrity. The omission or reference to any particular restriction in no way alters the fact that technicians will be held accountable for their conduct if such conduct is in violation of any statute, regulation, or other proper authority to which a technician is subject. Violation of any prohibited standard of conduct may be the basis for disciplinary action.

4. Definitions

Technician. As applied in this Annex means Military Technicians (Civil Service excepted and competitive).

5. Obtaining Guidance on the Ethics, Laws and Regulations

All technicians are encouraged to seek guidance whenever they are unsure whether their actions are in accordance with the standards. There are several sources within the government that can be relied on for guidance on ethical matters, but the technician workforce employed by the Alabama National Guard is encouraged to contact the Human Resources Office for guidance.

6. The General Standards of Conduct

a. A technician must avoid any action that might result in or create the appearance of:

- (1) Using public office for private gain
- (2) Giving preferential treatment to anyone
- (3) Impeding Government efficiency or economy
- (4) Losing complete independence or impartiality
- (5) Making a Government decision outside official channels
- (6) Affecting adversely the confidence of the public in the integrity of the Government

b. Technicians must be particularly careful that private interests and activities do not impact adversely on or conflict with their public duties. The following section addresses specific standards.

SECTION 2 - STANDARDS OF CONDUCT

7. Use of Government Property

Technicians are prohibited from directly or indirectly using or allowing the use of government property of any kind, including property leased to the government, for other than officially approved activities. An employee has a positive duty to protect and conserve government property, including equipment, supplies, and other property entrusted or issued to him.

8. Government's Policy on the Acceptance of Gifts, Entertainment, and Favors.

a. Prohibitions. Technicians may not solicit or accept anything of monetary value, including gifts, gratuities, favors, entertainment or loans from any person who:

(1) Has or is seeking to obtain contractual or other business or financial relations with any component of the Department of Defense;

(2) Conduct operations or activities that are regulated by the National Guard; or

(3) Has interests that may be substantially affected by the performance or non-performance of the technician's duty.

b. Exceptions. Exceptions to the prohibitions cited in paragraph a above are as follows:

(1) Gifts, gratuities, favors, entertainment, loans or similar favors of monetary value that stem from a family or personal relationship when the circumstances make it clear that it is that relationship rather than the business of the person concerned that motivates the gift.

(2) Loans from banks or other financial institutions on customary terms.

(3) Unsolicited advertising or promotional material of nominal value such as pens, note pads, and calendars.

(4) Food or refreshments of nominal value, served on infrequent occasions, in the ordinary course of a luncheon or dinner meeting and only if you are properly in attendance and there is not a reasonable opportunity to pay, or if the food is offered to all participants attending the meeting or convention.

c. Technicians should be aware that there are criminal provisions relating to the acceptance of gifts, entertainment, and favors found in Title 18 of the United States Code.

d. Title 18 U.S.C. 209, prohibits technicians from receiving any salary or anything of monetary value from private sources as pay for his services to the government.

9. Gifts to Superiors

Technicians may not solicit contributions from other technicians for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a technician receiving less pay than themselves. Voluntary gifts of a nominal value or donations in nominal amounts for marriages, illnesses or retirement are permissible.

10. Misuse of Information

National guard technicians are prohibited from directly or indirectly using or allowing the use of official information obtained through or in connection with their technician position, which has not been made available to the general public, for the purpose of furthering a private interest. Non-public information may be used for teaching, lecturing and writing if it is made available to the technician upon request or when the Adjutant General gives written authorization for its use.

11. Failure to Pay your Debts and Financial Obligations

a. Technicians must meet their just financial obligations in a proper and timely manner. Failure to do so reflects adversely on the Government and on the Alabama National Guard and is considered improper conduct, (5 C.F.R. 735.207), and they (technicians) could face adverse actions in accordance with Technician Personnel Regulation 752.

b. National Guard Technicians' failure to pay their just debts usually has two undesirable effects. First, since the creditor cannot obtain satisfaction from the technician, creditor's only recourse is to try to enlist the help of the employer. If this is not successful, the creditor is left with the feeling that the Alabama National Guard and the Federal Government are as much to blame as the technician. Thus, an unfavorable image is created. Second, correspondence with creditors and memos to and conferences with the technicians involved add considerably to the workload of the organization. Consequently, technicians are required to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. A just financial obligation means one acknowledged by the technician or reduced to judgment by a court, or one imposed by law such as Federal, State, or local taxes and in a proper and timely manner means in a manner which the National Guard determines does not, under the circumstances, reflect adversely on the Government as their employer. In the event of dispute between the technician and an alleged creditor, the Alabama National Guard is not obligated to determine the validity or amount of the disputed debt.

c. Cause of Indebtedness: Most cases of excessive indebtedness result from one or more of the following:

(1) Unforeseen circumstances, such as family illness, which are beyond the technician's control.

(2) Unwise use of credit extended in good faith by reputable merchants and lending institutions.

(3) Lack of resistance to easy credit sales promotion practices, or high pressure sales tactics.

d. Use of Disciplinary Actions: In enforcing the indebtedness standard, formal disciplinary actions will be resorted to only after counseling and other corrective measures have failed to resolve the problem and then only after full consideration of the technician's personal circumstances and a finding that failure to meet a just obligation was both deliberate and without good cause.

e. Handling Debt Complaints. The Federal Government and Alabama National Guard will not permit itself to be used as a collection agency in connection with commercial obligations or claims based on court judgments.

(1) Creditors and collectors will be denied access to technicians for the purpose of presenting or collecting claims during working hours.

(2) Upon receipt of a debt complaint, the technician will be contacted by a responsible official and required to submit a statement concerning the action he will take to resolve the matter. Each complaint will be acknowledged and the writer informed of the referral of his letter. If the obligation is admitted, the complainant will be advised of the technician's intentions regarding payment period. If the obligation is disputed or denied, the complainant will be so informed that the National Guard will take no further actions pending determination of the claim's validity through proper civil proceedings.

F. Local Programs. Effective administration of the indebtedness standard requires establishment of a local program which is designed to assist technicians in avoiding (or solving) financial problems. Supervisors will give special attention to individual cases as soon as a potential problem arises by:

(1) Counseling the technician regarding the necessity for action to avoid trouble and advising him of the courses of action that may be open to him.

(2) Encouraging the technician to make maximum use of the financial counseling and other services available from credit unions or local banks.

(3) Assisting the technician in making suitable arrangements for a solution to his problem, including advice on a personal budget and contacts with creditors, in an effort to work out satisfactory payment arrangements.

(4) In extreme cases, helping the technician to obtain advice regarding the procedure to be followed in filing a "Federal Wage Earners' Plan" under the provisions of Chapter 13 of Title

11, U.S.C. Such a plan, if approved by the court, may result in each unsecured creditor being paid in full by a trustee of Federal courts from funds paid monthly by the technician to the trustee.

12. Gambling While On Duty

Technicians are not allowed to participate in any gambling activity while on Government-owned or leased property or while on duty for the Government. This includes the operation of a gambling device in conducting a lottery or pool, in a game for money or property, or in selling or purchasing number slips or tickets. (5 C.F.R. 735-208)

13. Engagement in Riots or Civil Disorders

a. General. Section 7313 of Title 5, U.S.C prohibits the employment or retention in employment of person convicted of participating in a riot or civil disorder.

b. Definitions.

(1) "Civil Disorder" means any public disturbance involving acts of violence by assemblages of three or more persons that cause an immediate danger of, or results in damage or injury to, a person or the property of another individual.

(2) "Riot" means a public disturbance involving an act or acts of violence of one or more persons, part of an assemblage of three or more persons whose act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person, or to the person of any other individual or a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more person having, individually or collectively, the ability of immediate execution of such threat or threats where the performance of the threatened act or acts of violence would constitute clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(3) "To incite a riot" or "to organize, promote, encourage, participate in, or carry a riot": includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief not involving advocacy of any act or acts of violence, or assertion of the rightness of, or the right to commit any such act or acts.

14. A Second Job Outside of the Government

Technicians may engage in outside employment, with or without compensation, but only if it will not adversely affect the performance of their official duties and will not conflict with their duties. Such work may include civic, charitable, religious, and community undertakings. Tech

nicians may not participate in outside employment which:

- (1) Tends to impair their mental or physical capacity to perform Government duties and responsibilities in an acceptable manner;
- (2) Is likely to result in criticism or cause embarrassment to the Alabama National Guard;
- (3) Creates a real or apparent conflict of interest;
- (4) takes their time and attention during their official work hours. (5 C.F.R. 735.203)

15. Bribery and Graft

National Guard technicians may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for performing or refraining from performing an official act.

16. General Conduct Prejudicial to the Government

a. A National Guard Technician is prohibited from engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government.

B. National Guard Technicians are prohibited from using their technician titles or positions in connection with any commercial enterprises or for endorsing any commercial products. Technicians not on active duty are permitted to use their military titles in connection with commercial enterprises. Such use of military titles in these situations is prohibited when the use gives rise to any appearance that such an enterprise is sponsored, sanctioned, endorsed, or approved by the National Guard.

17. Courtesy in the United States Government (National Guard)

National Guard Technicians are required to be courteous in all their dealings with the general public, Members of Congress, and their co-workers to the extent this requirement will not infringe upon the technician's legal rights. It is expected that technicians will perform courteously, even if treated discourteously by members of the public or

co-workers. However, technicians are obliged to refuse to violate law or regulations or to give special advantage not called for by law. Technicians should be periodically reminded that, where appropriate, courtesy demonstrated to the public and co-workers may be included as a factor in their performance standards.

18. Employees Required to Submit Statements and Financial Interest

Statements of employment and financial interests must be submitted by technicians whose basic duties and responsibilities require the incumbent to exercise judgment in making or recommending a Government action in regard to contracting or procurement. Technician position descriptions will be reviewed by the NGB JAG to determine who must file. Those technicians required to file will be notified annually and required to file no later than 31 October each year.

19. Requirement to Give Statements to Investigative Officials

Technicians are required to assist any duly appointed investigative officials. This requirement includes the giving of statements or evidence to investigators authorized to conduct investigations into potential violations. (NOTE: Technicians always retain their constitutional rights, including the rights to counsel and against self-incrimination.)

20. Disloyalty and Striking Against the Government

Under law and Executive Order, a person may not accept or hold position in the government of the United States or the government of the District of Columbia if such person:

- a. Seeks the overthrow of our constitutional form of government by force or violence or other unlawful means.
- b. Is a member of an organization that seeks the overthrow of our constitutional form of government by force or violence or other unlawful means.
- c. Participates in a strike against the government of the United states or the government of the District of Columbia.

21. Miscellaneous Statutory and Non-statutory Provisions:

a. Statutory Provisions:

(1) The prohibition against bribery of public officials (18 U.S.C. 201) which imposes a maximum penalty of \$20,000 fine or three times the money or thing received, whichever is greater; 15 year imprisonment; or both; and removal;

(2) The prohibition against receiving compensation for claims, contracts, etc. (18 U.S.C. 203), which imposes a maximum penalty of \$10,000 fine; two years imprisonment; or both; and removal;

(3) The prohibition against prosecuting claims against and other matters affecting the Government (18 U.S.C. 205) which imposes a maximum penalty of \$10,000 fine; two years imprisonment; or both;

(4) The prohibition against prosecuting claims involving matters connected with former duties - disqualification of partners (18 U.S.C. 207) which imposes a maximum penalty of \$10,000 fine; two years imprisonment; or both;

(5) The prohibition against an employee or special Government employee acting or participating in any matter in which he, his immediate family, his partner, or an organization with which he is connected or is seeking employment has a financial interest. (18 U.S.C. 208) which imposes a maximum penalty of \$10,000 fine; two

years imprisonment; or both;

(6) The prohibition against an employee receiving salaries or contributions from other Government sources for his Government services (18 U.S.C. 209) which imposes a maximum penalty of \$5,000 fine; one years imprisonment; or both;

(7) The prohibition against acceptance or solicitation to obtain public office (18 U.S.C. 211) which imposes a maximum penalty of \$1,000 fine; or one year imprisonment; or both;

(8) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913) which imposes a maximum penalty of \$500 fine; one year imprisonment; or both; and removal;

(9) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918) which imposes maximum penalty of \$1,000 fine; one year and a days imprisonment; or both; and removal;

(10) The prohibition against employment of member of Communist organization (50 U.S.C. 784) which imposes a maximum penalty of \$10,000 fine; five years imprisonment; or both; and removal;

(11) The prohibition against disclosure of classified information (18 U.S.C. 798) which imposes maximum penalty of \$10,000 fine; 10 years imprisonment; or both;

(12) The prohibition against disclosure of confidential information (18 U.S.C. 1905) which imposes a maximum penalty of \$1,000 fine; one year imprisonment; or both; and removal;

(13) The prohibition against habitual use of intoxicants to excess (5 U.S.C. 7352) which imposes a maximum penalty of removal;

(14) The prohibition against the misuse of government vehicles (31 U.S.C. 638a(c)) which imposes a maximum penalty of removal;

(15) The prohibition against the misuse of franking privilege (18 U.S.C. 1719) which imposes a maximum penalty of \$300 fine;

(16) The prohibition against the deceit in examination or personnel action (5 U.S.C. 1917) which imposes a maximum penalty of \$1,000 fine; one year imprisonment; or both;

(17) The prohibition against fraud and false statement (18 U.S.C. 1001) which imposes a maximum penalty of \$10,000 fine; five years imprisonment; or both;

(18) The prohibition against mutilating or destroying public records (18 U.S.C. 2017) which imposes a maximum penalty of \$2,000 fine; three years imprisonment; or both; and removal;

(19) the prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508) which imposes a maximum penalty of \$5,000 fine; 10 years imprisonment; or both;

(20) The prohibition against embezzlement and theft of government money, property, or records (18 U.S.C. 641) which imposes a maximum penalty of \$10,000 fine; 10 years imprisonment; or both;

(21) the prohibition against failure to account for public money (18 U.S.C. 643) which imposes a maximum penalty of fine equal to amount embezzled; imprisonment not more than 10 years; or both;

(22) The prohibition against wrongfully converting property of another (18 U.S.C. 654) which imposes

a fine equal to amount embezzled; imprisonment not more than 10 years; or both;

(23) The prohibition against unauthorized use of documents relating to duties (18 U.S.C. 285) which imposes a maximum penalty of \$5,000 fine; five years imprisonment; or both;

(24) The prohibition against political activity (5 U.S.C. 7323, 7324, 7325) which imposes maximum penalty of removal;

(25) The prohibition against solicitation of political contributions (18 U.S.C. 602) which imposes a maximum penalty of \$5,000 fine; three years imprisonment; or both;

(26) The prohibition against solicitation of political contributions in Federal buildings (18 U.S.C. 603) which imposes a maximum penalty of \$5,000 fine; three years imprisonment; or both;

(27) The prohibition against making political contributions through a Government employee or Senator or Representative (18 U.S.C. 607) which imposes a maximum penalty of \$5,000 fine; three years imprisonment; or both;

(28) The prohibition limiting political contributions and purchases (18 U.S.C. 608) which imposes maximum penalty of \$5,000 fine; three years imprisonment; or both;

(29) The prohibition against an employee acting as an agent of a foreign principal registered under the foreign Agents Registration Act (18 U.S.C. 219); and

(30) The prohibition against the employment of a person convicted of participating in or promoting a riot or civil disorder (5 U.S.C. 7313).

b. Non-statutory Provisions:

(1) Misconduct generally: Criminal, dishonest, immoral, or notoriously disgraceful conduct (Title 5, CFR 731.202(b)(2) which imposes a maximum penalty of removal.

(2) Malfeasance, nonfeasance in personnel administration. Violation of any law, rule or regulation administered by the OPM, or failure to adhere to established policies, regulations, standards, and instructions on personnel management subject to the jurisdiction of the OPM (Title 5, CFR 5.1 & 5.3) which imposes a maximum penalty of removal.

APPENDIX 18B - GUIDE FOR ON-THE-JOB CONDUCT

1. On-the-Job Conduct. Each technician will:

- a. Report promptly for work and in condition which will permit him to perform his assigned duties.
- b. Render full, efficient, and industrious service in the performance of assigned duties. If insufficient work is assigned to occupy a technician fully, the technician is expected to notify his supervisor that additional work may be assigned.
- c. Give ready response and enthusiasm to directions and instructions received.
- d. Exercise courtesy and tact in dealings with fellow workers and the public.
- e. Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.
- f. Conserve and protect Federal and/or State funds, property, equipment, and materials.
- g. Observe the laws, rules, regulations, and other authoritative instructions, and conduct themselves in a manner beyond reproach.
- h. Recognize their responsibility for taking an active part in their organization's affairs.
- i. Uphold with integrity the public trust commensurate with the position to which assigned.

2. Off-the Job Conduct. While The Adjutant General does not desire to interfere in the private lives of technicians, he expects them to conduct themselves in a manner which will reflect favorably upon the Alabama National Guard.